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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

BREANNE JANETTE WELLS,

Defendant.

MOTION TO REVIEW DETENTION

Case No. 1:20-cr-80 RJS

Defendant Breanne Wells first appeared on this case on September 22, 2020. At that hearing she submitted to detention based on the presumption of detention that applied under 18 U.S.C. § 3142 but reserved the right to return to court once counsel had had the opportunity to seek additional information about a viable pretrial release plan.

Counsel has provided information to the U.S. Probation Office regarding a possible residence with a friend. Although this friend has a history of substance abuse, she has been sober for several years and has been a good influence on Ms. Wells. The friend works from home, so Ms. Wells would not be left alone during the day.

Additionally, the court is aware of Ms. Wells's strong performance in drug court. She deeply regrets that a relapse this year led her back into criminal activity. However, based on her performance in drug court, this court can have confidence that she will not be a danger to the

community while on pretrial supervision. She has maintained ties with Odyssey House and could resume treatment there.

Counsel has contacted her prior employer, who confirms that she is able to return to work upon her release.

Ms. Wells has now been in custody for more than three months, so she has had adequate time to “dry out” since her arrest on September 2, 2020. She is thinking clearly and eager to get her affairs in order, work, and care for her child.

The information presented in this motion was not available at the time of Ms. Wells’s detention hearing, and it is material to the court’s ruling under § 3142. Accordingly, Ms. Wells asks the court to review her detention and grant pretrial release.

DATED this 11th day of December, 2020.

/s/ Benjamin C. McMurray
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